BLOGS

Understanding Constitutional Amendments for DU LLM Entrance

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Provisions for constitutional amendments are made with a view to overcoming difficulties which may encounter in the future working of the Constitution. The amendment process of the Indian Constitution is outlined in Article 368.

There are three types of amendments to the Constitution of India:

- Simple majority- simple majority of the members present and voting
- Special majority- it is effected by a majority of two-third membership of the house present and voting
- Special majority and ratification by States- special majority plus ratification by not less than one-half of the State legislatures.

List of Constitutional Amendments

1st Amendment 1951- it was made by the provisional parliament of India i.e. constituent assembly and by this amendment schedule 9 and clause 4 to Article 15 which provided for the advancement of socially and educationally backward classes was added.

2nd Amendment 1952- readjusted the scale of representation in the Lok Sabha in the basis of 1951 census.

7th Amendment 1956- it was declared that a person can be appointed as governor for two states or union territories

10th Amendment 1961– incorporated the territories of Dadra and Nagar Haveli in the Indian Union

21st Amendment 1967- Sindhi language was added in the Eighth Schedule

24th Amendment 1971- through this amendment Education was transferred to the concurrent list and it gave the power to amend any part of the Constitution to the Parliament.

26th Amendment 1971- it abolished Privy Purses and privileges given to the former rulers of Indian States.

31st Amendment 1973- the number of Lok Sabha seats were raised from 525 to 545.

42nd Amendment 1976- through this Amendment fundamental duties i.e. Part IVA –Article 51A were introduced. The preamble was amended and words- 'socialism', 'secularism' and 'integrity of nation' were added. It also increased the tenure of Lok Sabha from 5 years to 6 years and made President bound by the advice of the Council of Ministers.

44th Amendment 1978- through this Amendment tenure of Lok Sabha was again reduced to 5 years, it removed censorship, made Articles 20 and 21 absolute i.e. which cannot be taken away even during the emergency and also mentioned that proclamation of emergency can be issued by the President after receiving advice of Cabinet in writing.

It also omitted the right to property as a fundamental right and made it only as a constitutional right under Article 300A

52nd Amendment 1985- 10th Schedule was added which provided for anti-defection laws.

61st Amendment 1989- reduced the voting age from 21 years to 18 years for the Lok Sabha as well as assembly elections

71st Amendment 1992– Nepali, Konkani and Manipuri languages included in the 8th Schedule

73rd Amendment 1992- 11th Schedule was added which provided constitutional status to Panchayati Raj and also stated for one-third reservation of seats in Panchayat for women.

74th Amendment 1992- 12th Schedule was added which provided constitutional status to municipal governments.

84th Amendment 2001- the number of representations in Lok Sabha and State Assemblies were frozen for 25 years i.e. till 2026.

86th Amendment 2002- article 21A which made right to education as a fundamental right and clause k to Article 51A which provides that it shall be the duty of parents and guardians to provide education to children between 6-14 years was added.

92nd Amendment 2003- Four languages viz. Bodo, Dogri, Maithili and Santhali were added to the Eighth Schedule.

96th Amendment 2011– this amendment altered the language Oriya as Odia in the eighth schedule.

99th Amendment 2014- it provided for the formation of the National Judicial Appointments Commission. However, it was scrapped as it was against the provisions of Article 50 of the constitution.

100th Amendment 2015- this amendment allowed operationalisation of India-Bangladesh Land Boundary Agreement

101st Amendment 2016- Goods and Service Tax which replaced all the indirect taxes levied by the Union was introduced by this Amendment. It also provided for Integrated GST on inter-state transaction of goods and services

102nd Amendment 2018- through this Amendment National Commission for Backward Classes was given Constitutional status and empowered President to specify the socially and educationally backward classes in relation to a State or Union Territory.

103rd Amendment 2019- it provided 10 per cent reservation for economically weaker sections and amended Articles 15 and 16.

104th Amendment 2020- extended the reservation of seats for SCs and STs in the Lok Sabha and states assemblies from Seventy years to Eighty years. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies

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First published on May 14, 2021.